

**Remarks**

Claims 15 and 17-30 are pending in the application. Claims 15 and 17-30 were rejected. Claim 15 is the independent claim. Reconsideration of the amended application is respectfully requested.

The examiner objected to the drawings as not showing every feature of the invention as recited in the claims. Substitute drawing sheets are submitted herewith that show every claimed element of the invention. No new matter is included in the substitute drawing sheets. It is respectfully noted that claim 1 has been canceled, and that no pending claim positively recites “dumb-bells” as a feature of the invention, and therefore this feature has not been added to the drawings. The “rods, pedals, switches, or push buttons” are now shown schematically in Fig. 2, on the command device C. The footrest B shown in Figs. 1-3 includes a “pedal” “lever” that moves the “rod” of claim 20, leading to the air tank D as best shown in Fig. 3. The “switchboard” can be disposed anywhere on the device and can be included, for example, in the command device C. The “advertising material” is now shown schematically on the side panel in Fig. 3.

The examiner objected to the disclosure because of certain noted informalities, and required clarification. In response, it is noted that universal brackets F are used to hold standard weight assemblies, such as dumbbells. As clearly shown in Fig. 5, such dumbbells can nest within the brackets, to be held securely by the machine, while allowing open areas to grip the dumbbells and lift them off the brackets once the weights are in place. The hooks G can optionally be included in addition to or instead of the brackets F, in order to hold other weight

assemblies such as a barbell. Including both the brackets F and the hooks G would improve the utility of the device, but only one or the other can be included individually in any particular embodiment.

The examiner rejected claims 15, 17, and 19-30 under 35 USC §103(a) as being unpatentable over Capizzo, in view of Parker.

Claim 15 recites gym work-out equipment for the training of the chest, deltoids, trapeziums and triceps muscles. The equipment includes a moveable bench and an assist system. The moveable bench includes a back-rest that allows an athlete to do exercises with the back-rest in a horizontal position for stretching and pectoral crosses, a slanted position for pectoral crosses, and an up-right position for deltoids and stretching with dumb-bells for triceps. The assist system includes servomechanism arms adapted to hold weights, a mechanical, hydraulic, electrical or pneumatic lift system adapted to lift the arms, and a command device that controls the assist system when activated through the use of rods, pedals, switches or push buttons. The arms are adapted to lift the weights held by the arms under control of the command device, to assist the athlete without requiring the athlete to get up from or change the position of the bench. The arms are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete

In contrast, Capizzo discloses a system that provides automated spotting for a weightlifter, to enable powerlifting athletes to perform bench press exercise safely and effectively by enabling them to simulate the effect of having a spotter and a stack of wooden boards on their chest for the purpose of progressive lift distance training. Two safety stands 1, 2,

each with its own actuator, are placed directly under the barbell 102 to set a minimum level for the lift, simulating the stack of wooden boards that would otherwise be used. That is, the stands are set so that they will hold the barbell in place above the user when the actuators are at their lowest setting as a safety feature. See column 4, lines 55-62.

The stands also provide a spotting function, lifting the weighted barbell if the lifter is unable to do so because of fatigue. Once the safety stands are set at the minimum level for the lift, the lifter lifts a weighted barbell from the bench support braces 100 and lowers the barbell until it touches the support members 1, 2. The lifter then lifts the barbell back onto the support braces. Once this lift distance becomes easy to the lifter, the lifter will be able to adjust the vertical height of the support members by activating the "down" foot pedal control to any desired incremental height. By this method, the lifter can simulate the progressive lower and lift training provided by the wood board stack method. If the lifter lowers the weighted barbell to the support members and does not have the strength to lift the barbell back to the support braces, the lifter lets the barbell rest on the support members and activates the actuators via the "up" foot pedal control to raise the barbell, simulating a spotting function. The barbell will be held at a level from which the lifter can lift the barbell back onto the support braces. See column 7, line 57-column 8, line 8.

As noted above, claim 15 recites that the arms are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete. Capizzo discloses a weight spotting system, that is, a system that is designed to relieve a lifter from the pressure of the weight in the event of fatigue, such as when the lifter cannot lift the weight according to the

exercise he or she was performing. Capizzo also sets a minimum level for the exercise, which provides an added safety measure and provides assistance for progressive lower and lift training. Capizzo does not disclose or suggest gym work-out equipment having arms that are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete. Capizzo does not disclose a system that is able to assist a lifter with respect to the exercise he or she is about to perform, as recited in claim 15. According to the Capizzo system, the lifter still must lower the weighted barbell from the bench support braces to begin h exercise. Even if the spotting feature is needed during a lift, the lifter must manually put the weighted barbell back onto the bench support braces. See column 7, lines 57-62 and column 8, lines 1-8.

Parker discloses a simple articulated weight bench that does not overcome the deficiencies of Capizzo.

For at least the reasons stated above, it is submitted that no combination of the teachings of Capizzo and Parker could render obvious the invention as recited in claim 15. Claims 17 and 19-30 depend from claim 15, and therefore also are not rendered obvious by the cited references, for the reasons stated above, as well as because of the additional features recited therein.

For example, claims 26-28 and 30 also recite aspects of the claimed system relating to the assistance of an athlete who is preparing to perform an exercise. As noted above, Capizzo discloses a weight spotting system, and is not even capable of assisting an athlete prior to performance of a weight-lifting exercise.

Further, claim 25 recites that the side panels include advertising material. Neither of the cited references discloses or suggests the inclusion of such advertising material. The examiner

suggested a surface on which the advertising material could be displayed, but such display is not even hinted at in the references, and such advertising material could only be envisioned on these surfaces through the use of hindsight after having read the present claims.

For at least the reasons noted above, the rejection of claims 15, 17, and 19-30 should be withdrawn.

The examiner rejected claims 15, 19, 21, 24-28, and 30 under 35 USC §103(a) as being unpatentable over Rodriguez '520, in view of Parker.

Claim 15 recites gym work-out equipment for the training of the chest, deltoids, trapeziums and triceps muscles. The equipment includes a moveable bench and an assist system. The moveable bench includes a back-rest that allows an athlete to do exercises with the back-rest in a horizontal position for stretching and pectoral crosses, a slanted position for pectoral crosses, and an up-right position for deltoids and stretching with dumb-bells for triceps. The assist system includes servomechanism arms adapted to hold weights, a mechanical, hydraulic, electrical or pneumatic lift system adapted to lift the arms, and a command device that controls the assist system when activated through the use of rods, pedals, switches or push buttons. The arms are adapted to lift the weights held by the arms under control of the command device, to assist the athlete without requiring the athlete to get up from or change the position of the bench. The arms are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete.

Thus, claim 15 recites that the arms are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete. In contrast, Rodriguez discloses a

weight spotting system, that is, a system that is designed to relieve a lifter from the pressure of the weight in the event of a mishap, such as when a weight falls on the lifter's body because the lifter cannot lift the weight according to the exercise he or she was performing. See column 1, lines 37-40. Rodriguez does not disclose or suggest gym work-out equipment having arms that are adapted to position the weights with respect to the bench and the exercise to be performed by the athlete. Rodriguez does not disclose or suggest a system that is able to assist a lifter with respect to the exercise he or she is about to perform, as recited in claim 15. Rodriguez only discloses a spotting system that protects a lifter in case of fatigue. See column 2, lines 38-47.

The examiner cited Rodriguez at column 3, lines 44-50 as disclosing the claimed positioning system. Applicant respectfully disagrees. Rodriguez describe a barbell support shaft 38 and rest 42 that are slidably positioned within the upper extent 34 of the housing 28 of the weight supporting unit 20. Column 2, lines 61-65. Through the use of a motor 48 that is actuated by an activation button 54, a jack screw 46 is rotated within the motor support platform 52 to slidably lift the platform within the interior of the housing 28. This sliding movement describes the lifting action of the support platform. See column 3, lines 20-30.

Once this lifting capability is actuated by the lifter so that it is ready to perform the spotting function, the sliding motion must be restrained unless the lifter actually requires assistance. A set of plungers keeps the motion in check unless the lifter disengages the plungers through the use of the emergency pedal 24. See column 3, lines 44-50. Once the plungers retract, upward lifting motion is permitted, and the upward sliding motion of the motor platform performs the protective function of the system. See column 3, lines 51-67. Thus, the plungers,

through activation by the emergency pedal, enable or disable the upward and downward sliding motion of the motor platform for protective spotting capability. Rodriguez does not disclose or suggest arms that are adapted to lift weights held by the arms under control of a command device, to position the weights with respect to the bench and the exercise to be performed by the lifter, as recited in claim 15.

Parker discloses a simple articulated weight bench that does not overcome the deficiencies of Rodriguez.

For at least the reasons stated above, it is submitted that no combination of the teachings of Rodriguez and Parker could render obvious the invention as recited in claim 15. Claims 19, 21, 24-28, and 30 depend from claim 15, and therefore also are not rendered obvious by the cited references, for the reasons stated above, as well as because of the additional features recited therein.

For example, claims 26-28 and 30 also recite aspects of the claimed system relating to the assistance of an athlete who is preparing to perform an exercise. As noted above, Rodriguez discloses a weight spotting system, and is not even capable of assisting an athlete prior to performance of a weight-lifting exercise.

Further, claim 25 recites that the side panels include advertising material. Neither of the cited references discloses or suggests the inclusion of such advertising material. The examiner suggested a surface on which the advertising material could be displayed, but such display is not even hinted at in the references, and such advertising material could only be envisioned on these surfaces through the use of hindsight after having read the present claims.

For at least the reasons noted above, the rejection of claims 15, 19, 21, 24-28, and 30 should be withdrawn.

The examiner rejected claim 18 under 35 USC §103(a) as being unpatentable over Capizzo, in view of Hummer Jr.

Claim 18 depends from claim 15, and recites that the lift system is a mechanical system of levers and pulleys, and the command device includes pedals for activation of the lift system and control of the arms. Capizzo is discussed above with respect to claim 15. Hummer Jr. discloses a dumbbell spotting system that does not overcome the deficiencies noted above with respect to Capizzo. That is, Hummer Jr. also does not disclose or suggest arms that are adapted to lift weights held by the arms under control of a command device, to position the weights with respect to the bench and the exercise to be performed by the lifter, as recited in claim 15.

Because at least this feature of the claimed invention is not disclosed or suggested by either reference, it is submitted that no combination of the teachings of Capizzo and Hummer Jr. could render obvious the invention as recited in claim 18. The rejection of claim 18, therefore, should be withdrawn.



It is submitted that all objections and rejections have been overcome. It is therefore requested that the Amendment be entered, the claims allowed, and the case passed to issue.

Respectfully submitted,



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Date

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